

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,477

IN THE MATTER OF:

Served July 18, 2008

BEST CHOICE TRANSPORTATION, INC.,     )  
Suspension and Investigation of         )  
Revocation of Certificate No. 1245     )

Case No. MP-2007-147

This matter is before the Commission on respondent's failure to respond to Order No. 11,138, served February 6, 2008, which gave respondent thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1245, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force".<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1245 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1245 was rendered invalid on March 1, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,613, served July 9, 2007, noted the automatic suspension of Certificate No. 1245 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1245, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1245.

Respondent paid the \$50 late fee on October 10, 2007 and submitted a \$1.5 million primary WMATC Insurance Endorsement on August 3, 2007. The effective date of the new endorsement is July 23, 2007. This means that respondent was without insurance coverage for

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

one hundred forty-four days, from March 1, 2007, through July 22, 2007.

Under Commission Rule No. 28, respondent is required to verify that it timely ceased transporting passengers for hire under Certificate No. 1245 as directed by Order No. 10,613. Order No. 10,840 accordingly gave respondent thirty days to verify timely cessation of operations. Inasmuch as respondent's only tariff at the time was for service rendered to DC Medicaid passengers, such verification was to be supported by confirmation from DC Medicaid. The Commission issued Order No. 11,138 when respondent failed to respond.

The record shows that a copy of Order No. 11,138 was served on respondent on February 6, 2008, and that respondent's president, Mohammed Benbei, met with Commission staff to discuss Order No. 11,138. Aside from a new WMATC Insurance Endorsement filed May 9, respondent has yet to file anything in response. In addition, respondent's DC Medicaid tariff is no longer effective, and respondent has no other rates on file with the Commission as required by Article XI, Section 14, of the Compact.

Certificate No. 1245 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Article XI, Sections 6 & 14, of the Compact, Regulation No. 58, and the orders issued in this proceeding.<sup>3</sup>

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1245 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 1245 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re John Y. Ngwafon, t/a Mungai's Health Transp.*, No. MP-04-208, Order No. 9173 (Dec. 9, 2005) (revoking authority for failing to respond to show cause order).